

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Chester School District  
Accountability Review - Monitoring Report 2012-2013**

**Team Members:** Linda Shirley, Team Leader; Becky Cain, Special Education Programs; Tim Frewing, Education Specialist

**Dates of On Site Visit:** November 15, 2012

**Date of Report:** December 13, 2012

**All non-compliance must be corrected within 1 year of this report date.**

**Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Division of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Division of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

**Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

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**GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**24:05:30:05. Content of notice.** The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;

**24:05:25:03.04. Evaluation procedures** -- **Notice.** The school district shall provide notice to the parents of a child with a disability, in accordance with this article, that describes any evaluation procedures the district proposes to conduct.

**24:05:25:04.03. Determination of eligibility.** Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.

**ARSD 24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include: (3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the

student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

(a) To advance appropriately toward attaining the annual goals; (b) To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

**ARSD 24:05:27:01.02. Development, review, and revision of individualized education program.** In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall:

- (1) In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;

**ARSD 24:05:22:03 Certified child** A certified child is a child in need of special education or special education and related services formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

**24:05:25:16.01. Participation of student in IEP team meeting.** If a purpose of the IEP team meeting is the consideration of postsecondary goals and transition services for a student, and if the meeting is for a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team, the notice also must:

- (1) Indicate that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the student;
- (2) Indicate that the district will invite the student; and
- (3) To the extent appropriate, with the consent of the parents or a student who has reached the age of majority, identify any other agency that is likely to be responsible for providing or paying for transition services and that will be invited to send a representative.

**24:05:27:01.03. Content of individualized education program.** Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
  - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
  - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

(2) A statement of measurable annual goals, including academic and functional goals, designed to:

- (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
- (b) Meet each of the student's other educational needs that result from the student's disability;

For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

(3) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student:

- (a) To advance appropriately toward attaining the annual goals;
- (b) To be involved and progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and
- (c) To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

(4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

(5) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

- (a) The student cannot participate in the regular assessment; and
- (b) The particular alternate assessment selected is appropriate for the student;

(6) The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;

(7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:

(a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and

(b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

### **Corrective Action:**

#### **Prong 1 : Correct each individual case of noncompliance**

**Timeline for Completion: (50) calendars day from the report date listed above.**

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student File # 1: This student was reported on child count under the category of Specific Learning Disability (525). Behavior evaluations were given without permission and an Adaptive behavior evaluation was listed and not completed. The descriptions of services to be provided in the IEP are not specific to the disability.	<p>The district will review their policy, procedure and practice for completing the prior notice for evaluation for students being considered for evaluation for special education.</p> <p>The team will meet and amend the IEP to show specific description of services being provided for this student.</p>	<p>The district will send a written document with their policy, procedure and practice for prior notice for evaluations.</p> <ol style="list-style-type: none"> <li>1. Copy of prior notice for scheduled meeting</li> <li>2. Copy of amended IEP</li> <li>3. Copy of prior notice of meeting</li> </ol>
Date Data Submitted:		
Status:		

#### **Prong 1 : Correct each individual case of noncompliance**

**Timeline for Completion: (50) calendars day from the report date listed above.**

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student Files # 3: This student was reported on child count under the category of Other Health Impaired (555). The Developmental Test of Visual Perception was given without consent.	The district will review their policy, procedure and practice for completing the prior notice for evaluation for students being considered for evaluation for special education.	The district will send a written document with their policy, procedure and practice for prior notice for evaluations.
Date Data Submitted:		
Status:		

#### **Prong 1 : Correct each individual case of noncompliance**

<b>Timeline for Completion: (50) calendars day from the report date listed above.</b>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student File # 6 This student was reported on child count under the category of Cognitive Disability (510). The Developmental Test of Visual Perception was given without consent. The student has services in written expression without Present Levels of Academic Achievement and Functional Performance (PLAAFs) showing any strengths or needs for this area. There are no goals for written expression in the IEP. The accommodations had no frequency/location/or duration marked.	The IEP team will meet and review services for the students and determine if written expression is a need. The IEP will be written or amended to show PLAAFs and goals for written expression if needed. The accommodations will show the frequency/location and duration. Description of services will be specific to the disability.	<ol style="list-style-type: none"> <li>1. Prior notice for scheduling the meeting</li> <li>2. IEP/addendum for student</li> <li>3. Prior notice for meeting</li> </ol>
Date Data Submitted: Status:		

<b>Prong 1 : Correct each individual case of noncompliance</b>		
<b>Timeline for Completion: (50) calendars day from the report date listed above.</b>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student File # 7: This student was reported on child count under the category of Other Health Impaired (555). Observation and behavior testing were completed without permission. The MDT did not address adaptive behavior or behaviors for eligibility. The autism diagnosis was not pulled forward from April of 2003 to consider for eligibility. There was no skill based evaluations completed for behaviors. Under consideration of special factors the behavior impedes learning was checked as no; however there was a mention of a behavior program	The IEP team needs to meet and determine what evaluations should be completed or pulled forward to determine eligibility. Skill based assessments must be completed for behaviors. A new MDT will be completed showing the behavior scales and the impact on the student's learning environment. The IEP will be rewritten/amended to include behavior impedes learning showing positive interventions. The configuration of services will be broken down for specific areas of disability.	<ol style="list-style-type: none"> <li>1. The prior notice/consent for evaluation</li> <li>2. Copies of <u>all</u> the evaluation reports including skill based assessment and documentation of medical records.</li> <li>3. Copy of the prior notice for the eligibility/IEP meeting</li> <li>4. MDT</li> <li>5. IEP</li> </ol>

mentioned, but not attached to the IEP. The configuration of services is not specific. The state sped. services and are not broken down.		
Date Data Submitted: Status:		

<b>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</b>
<p><b>Required Action:</b></p> <p>The district must review and update its policy, procedure and practice regarding the following:</p> <ul style="list-style-type: none"> <li>• Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.</li> <li>• Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility.</li> <li>• Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.</li> <li>• Determining eligibility and completing the eligibility documents.</li> <li>• Developing an IEP that provides educational benefit.</li> </ul> <p>The district will receive technical assistance regarding these issues noted in this report.</p>
<p><b>Data To Be Submitted:</b></p> <p>Each teacher who was the case manager for these students will submit an initial or reevaluation with the following documentation:</p> <ol style="list-style-type: none"> <li>1. Referral document if applicable</li> <li>2. The prior notice/consent for evaluation</li> <li>3. Copies of <b>all</b> the evaluation reports including skill based assessment and transition if applicable</li> <li>4. Copy of the prior notice for the eligibility/IEP meeting/transfer</li> <li>5. Copy of the MDT/eligibility document and;</li> <li>6. Copy of the IEP</li> </ol> <p>The training date, instructor and participants will be documented and submitted to the team leader to verify technical assistance was provided.</p>
<b>Target Date for Completion: May, 2013</b>
<b>Date - Status Report:</b>

<b>Prong 1 : Correct each individual case of noncompliance</b> <b>Timeline for Completion: (50) calendars day from the report date listed above.</b>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student File # 2: This student was reported on child count under the category of Speech/Language (550) for articulation. In the Present Levels of Academic Achievement and Functional Performance (PLAAFs) the student had no strengths for articulation. In the justification for placement statement no placement had been accepted.	The IEP team must meet and amend the current IEP to show strengths in the PLAAFs and to show a correct justification for placement statement.	<ol style="list-style-type: none"> <li>1. Copy of Prior notice for meeting</li> <li>2. Copy of addendum of the IEP</li> <li>3. Copy of prior notice for the meeting.</li> </ol>
Date Data Submitted: Status:		

<b>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</b>
<b>Required Action:</b> The district must review and update its policy, procedure and practice regarding the following: <ul style="list-style-type: none"> <li>• Developing an IEP that provides educational benefit.</li> </ul>
<b>Data To Be Submitted:</b> The teacher who was the case manager for this student will submit an initial or reevaluation with the following documentation: <ol style="list-style-type: none"> <li>1. Referral document if applicable</li> <li>2. The prior notice/consent for evaluation</li> <li>3. Copies of <u>all</u> the evaluation reports including skill based assessment and transition if applicable</li> <li>4. Copy of the prior notice for the eligibility/IEP meeting/transfer</li> <li>5. Copy of the MDT/eligibility document and;</li> <li>6. Copy of the IEP</li> </ol>
<b>Target Date for Completion: May 2013</b>



**Date - Status Report:**

**Prong 1: Correct each individual case of noncompliance**

**Timeline for Completion: (50) calendars day from the report date listed above.**

Student File # 8: This student was reported on child count under the disability categories of Emotional Disturbance (505). The December 1, 2011 child count did not report accurate information on eligible children to the Office of Data Collection. This student qualified under a different category Other Health Impaired (555), than listed on the child count.	<b>Required Action:</b>  1) The district must develop child count procedures to assure accurate child count information is submitted to the Office of Data Collection	<b>Data To Be Submitted:</b>  1) A copy of the procedures must be submitted to SEP.

Date Data Submitted:

Status:

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

**Required Action:**

The district must review and update its policy, procedure and practice regarding the following:

Reporting correct data on child count to the Data Collection of South Dakota

**Data To Be Submitted:**

- 1) The district must submit the IEP cover page for all students on their December 1, 2012 child count to SEP.

**Target Date for Completion: May 1, 2013**

**Date - Status Report:**

<b>Prong 1 : Correct each individual case of noncompliance</b> <b>Timeline for Completion: (50) calendars day from the report date listed above.</b>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student Files # 14, 15, 16 These students were of transition age, and there is not specific enough transition strengths/needs listed on the evaluation report or PLAFFs to develop a plan. Student #20 had no independent goal when the information suggested a need in this area.	The IEP team will meet and write a new IEP or amend the IEP to show transition strengths/needs and develop a plan for the students for postsecondary.	<ol style="list-style-type: none"> <li>1. Copy of Prior notice for meeting</li> <li>2. Copy of addendum of the IEP/new IEP</li> <li>3. Copy of prior notice for the meeting.</li> </ol>
Date Data Submitted: Status:		

<b>Prong 1 : Correct each individual case of noncompliance</b> <b>Timeline for Completion: (50) calendars day from the report date listed above.</b>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student Files # 14, 19, 21 These files did not have evidence of any participating agency being invited to the IEP team meeting with prior consent of the parent or student who has reached the age of majority.	The district will review their policy, procedure and practice for inviting any participating agency with prior consent for a student of transition age.	The district will send a written document with their policy, procedure and practice for inviting a participating agency.
Date Data Submitted: Status:		

<b>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.</b>
<b>Required Action:</b> The district must review and update its policy, procedure and practice regarding the following: <ol style="list-style-type: none"> <li>1. Inviting outside agencies prior to the IEP meeting with consent from parents or student</li> <li>2. Developing and IEP through evaluation that shows strengths/needs in all areas employment, education or training and independent living where appropriate.</li> </ol>
<b>Data To Be Submitted:</b>

The teacher who was the case manager for these students will submit an initial or reevaluation with the following documentation:

1 student of transition age

3. Copy of meeting notice
4. Copy of consent to invite any outside participating agency
5. IEP for student of transition age
6. Prior notice for meeting

**Target Date for Completion: May 2013**

**Date - Status Report:**

#### **1. FAPE in the LRE – Performance Indicator**

**State Performance Plan - Indicator 3:** Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grad level standar4ds; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

**Annual Performance Report Activity** – Conduct an accommodation study to verify IEP teams are providing instructional accommodations if they are also providing those accommodation on statewide assessments.

#### **Prong 1: Correct each individual case of noncompliance**

Through a review of student files, data gathered by the team indicated accommodations/modifications were not consistently provided, used for instruction during the assessment administration or documented appropriately.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
#9,11,12,13,14	<p>Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.</p> <p><b>Activity/Procedure:</b></p> <ol style="list-style-type: none"> <li>1. The district will review current policy/procedure to determine why discrepancies are occurring.</li> <li>2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments.</li> <li>3. Train IEP staff and testing coordinator in the procedures/process.</li> <li>4. Implement procedures and collect data to verify accommodation are</li> </ol>	<p>The district will collect and submit to SEP the following data:</p> <ol style="list-style-type: none"> <li>1. Written description of the districts review process to identify why the discrepancies are occurring.</li> <li>2. Written description of the process the district will implement to correct the discrepancies.</li> <li>3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the names of all</li> </ol>

	appropriately documented and provided during state/district assessments.	participants/position titles, who attended the training.
<b>Timeline for Completion: March 15th, 2013</b>		

<b>Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.</b>
<b>Required Action:</b> Implement policy/procedure/practice identified in Prong #1.
<b>Data To Be Submitted:</b> Data submitted for Prong #1 will be used to verify correction.
<b>Target Date for Completion:</b>
<b>Date - Status Report:</b>

### State Performance Plan – Performance Indicators

**C) Did the district meet the proficiency target for the subgroup of students with disabilities in the statewide assessment?**

**Grades K –8**

**State Target 72% or higher**

**District Rate: 55.6%**

District Response:

**Chester has purchased a new math curriculum this year, hoping to better target standards.**

**Assistance is offered before and after school to all children in need of help.**

**Indicator 8: Parent involvement:** percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (L = Response rate less than 15% of December 1, 2008 child count)

**State Target 64.2 or higher**

**District Rate: 83.3%**

District Response:

**Chester sends out a letter each year along with the survey asking parents to complete and send it back.**